

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARTIN SMITH,

Plaintiff,

Case Number: 5:17-cv-11090
HON. JOHN CORBETT O'MEARA

v.

THERESA SPENCER,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

Plaintiff Martin Smith filed a *pro se* complaint challenging the conduct of defendant Theresa Spencer, Lapeer County Circuit Court clerk, related to her handling of his legal filings. The Court summarily dismissed the complaint, finding that Spencer's actions fell within the doctrine of quasi-judicial immunity. Now before the Court is Plaintiff's Motion for Reconsideration.

Pursuant to Local Rule 7.1(h), a party seeking reconsideration must demonstrate (i) a "palpable defect" by which the court and the parties have been "misled," and (ii) that "correcting the defect will result in a different disposition of the case." E.D. Mich. L.R. 7.1(h)(3). A "palpable defect" is an error that is "obvious, clear, unmistakable, manifest or plain." *United States v. Cican*, 156 F. Supp. 2d 661, 668 (E.D. Mich. 2001).

Plaintiff argues that Spencer was not entitled to quasi-judicial immunity. Petitioner's motion offers nothing more than a disagreement with the Court's decision

and does not expose a palpable defect. Disagreement with a decision fails to allege sufficient grounds upon which to grant reconsideration. L.R. 7.1(h)(3); *see also Meekison v. Ohio Dept. of Rehabilitation and Correction*, 181 F.R.D. 571, 572 (S.D. Ohio 1998).

The Court will deny the motion.

Accordingly, the Court DENIES Plaintiff's Motion for Reconsideration (ECF No. 12).

s/John Corbett O'Meara
United States District Judge

Date: February 12, 2018

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 12, 2018, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager